

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**IN RE: JOHNSON & JOHNSON  
TALCUM POWDER PRODUCTS  
MARKETING, SALES PRACTICES,  
AND PRODUCTS LIABILITY  
LITIGATION**

**Civil Action No. 3:16-md-2738-FLW-LHG**

**MDL No. 2738**

This Document Relates to All Cases Filed  
Against Defendant Personal Care Products  
Council

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**THE PLAINTIFFS' STEERING COMMITTEE'S  
MOTION FOR LEAVE TO FILE A SURREPLY**

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**PLEASE TAKE NOTICE** that, at 9:00 a.m. on August 3, 2020, or at such other time as set by the Court, Plaintiffs with cases pending against Defendant Personal Care Products Council (PCPC), by and through the Plaintiffs' Steering Committee (PSC), will move to file a Surreply pursuant to Local Civil Rule 7.1(d)(6) in response to Defendant Personal Care Products Council's Reply in Support of its Motion for Summary Judgment (ECF No. 13692).

As discussed in Plaintiffs' proposed Surreply, attached as **Exhibit A**, PCPC raises new arguments and cites new sources not raised in its initial Memorandum of Law in Support of Summary Judgment, and, as such, Plaintiffs did not have an opportunity to respond to these arguments or citations in their Opposition brief. Further, PCPC misstates Plaintiffs' evidence and arguments, especially Plaintiffs' exhibits attached to their Opposition, and these misstatements require clarification.

Plaintiffs conferred with counsel for PCPC, and counsel for PCPC opposes this Motion.<sup>1</sup>

For these reasons, Plaintiffs respectfully request that the Court grant leave to file the proposed Surreply. A proposed order is attached for the Court's consideration.

Dated: June 30, 2020

Respectfully submitted,

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<sup>1</sup> See attached email correspondence between counsel, attached as **Exhibit B** at the request of counsel for PCPC.

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